

REMARKS

Claims 1-11 are pending in the application with claims 1, 2, and 11 being the independent claims. Claims 1-3, 7, and 11 are amended. Claims 2-5 are allowed. Claims 7-9 contain allowable subject matter.

Examiner Interview

Applicant and Applicant's undersigned representative thank Examiner Tran for taking the time to discuss the claims of the application in an Examiner Interview on February 1, 2005. In that interview, the art of record was discussed as it relates to claim 1. As shown on the Interview Summary form, no agreement was reached as to the patentability of claim 1 in view of the art cited in the Office Action.

Claim Rejections Under 35 U.S.C. § 102(b)

In the Office Action of October 8, 2004, claims 1 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by German patent DE 498917 ("the '917 patent") and claims 1, 6, 10, and 11 were rejected as being anticipated by Soviet Union patent SU 659503 ("the '503 patent").

According to M.P.E.P. § 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Id. (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Based on the figures, the '917 patent appears to teach an elevator stopping device in which a planar surface of a system (b) engages an elevator guide rail (p). The '917 patent appears to disclose a wedge block (a) including a recess housing the

system (b). As the system (b) contacts the guide rail (p), the system (b) appears to move into the recess in the wedge block (a), thereby compressing springs (c) located between the system (b) and the back of the recess in wedge block (a). See the '917 patent, Figs. 2 and 3.

Based upon the English translation and figures, the '503 patent discloses a "safety device for decelerating a lift cabin. See the '503 patent translation, title. The safety device includes "wedges 1, mounted so as to allow for straight vertical motion within the body 2." See the '503 patent translation, page 1. As the lift cabin falls, the wedges (1) are moved upward into the body (2), and the shoes (5) move in relation to pegs (12), away from a rigid guide (7). Springs (6) press the wedges (1) against the rigid guide (7), thus applying a braking force to decelerate the motion of the lift cabin. See the '503 patent translation, page 2.

Claim 1 is directed to an elevator emergency stop device for an elevator cage guided on a guide rail, including a wedge-shaped element having a first side and a second side. The first side includes a contact face and the second side is a tapering side opposite the first side. The wedge-shaped element also includes a fixed part and a movable part. The movable part includes the contact face and is movable relative to the fixed part along an inclined face of the fixed part, such that a dimension of the wedge-shaped element in the direction perpendicular to the contact face is changed in accordance with braking force. Claim 11 recites many similar features.

Neither of the cited references discloses a stopping device as recited in claim 1. The '917 patent appears to disclose a system (b) that may be movable into a recess formed in the wedge block (a), thereby compressing springs (c). The movement of the

system (b) relative to the wedge block (a) appears to be substantially in a direction perpendicular to the guide rail. However, in the '917 patent, the system (b) cannot move along an inclined face of the wedge block (a). Instead, the system (b) appears to move along a substantially horizontal surface within the recess of the wedge block (a). Therefore, the '917 patent does not disclose a movable part that includes a contact face and that is "movable relative to the fixed part along an inclined face of the fixed part," as recited in claim 1. Accordingly, the '917 patent does not disclose all the features of amended claim 1.

The '503 patent also does not disclose all the features of claim 1. Nor does it disclose all the features of claim 11. During the Examiner interview, the Examiner explained that he was interpreting the claim language "wedge-shaped" broadly to include the body (2) and one of the wedges (1). With this Reply, Applicant has amended claims 1 and 11 to further define the term "wedge-shaped." Claims 1 and 11 now recite a wedge-shaped element that "includes a first side and a second side, the first side including the contact face and the second side being a tapering side opposite the first side, and wherein said wedge-shaped element comprises a fixed part and a movable part." The '503 patent does not disclose any wedge-shaped element having all the features claimed. If, as suggested during the Examiner interview, the body (2) and one of the wedges (1) of the '503 patent form the claimed wedge-shaped element, then amended claims 1 and 11 should be allowable over the '503 patent because the body (2) combined with one of the wedges (1) of the '503 patent does not include a "second side being a tapering side opposite the first side," with the "first side including the contact face," as recited in claim 1. Instead, the '503 patent discloses that the body (2)

protrudes outwardly from the wedge (1). A body (2) that protrudes outwardly from the wedge (1), as disclosed in the '503 patent, does not form "a tapering side," as recited in the claims.

Because neither the '917 patent nor the '503 patent discloses all the features of claims 1 and 11, these claims are not anticipated. Accordingly, Applicant respectfully requests that the Examiner pass claims 1 and 11 to allowance.

Claims 6 and 10 depend from and add features to independent claim 1. Therefore, claims 6 and 10 should be allowable for at least the reasons discussed above. Applicant respectfully requests that the Examiner pass these claims to allowance.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1 and 6-11 are in condition for allowance. Therefore, Applicant respectfully requests reconsideration of this application and the timely allowance of pending claims 1-11.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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